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No. 61, Port Blair, Wednesday, February 9, 2011

**ANDAMAN AND NICOBAR ADMINISTRATION
(DEPARTMENT OF ENVIRONMENT & FORESTS)**

NOTIFICATION

Port Blair, dated the 9th February, 2011

No. 60/2011/1358/F.No.14(E)/15(9).— In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India read with the Govt. of India, Ministry of Home Affairs, New Delhi, Notification No. U-14939/2/83-ANL dated 21st February, 1985 and with the approval of the UPSC as communicated vide letter No. F.3/30(25)/2010-RR dated 21/01/2011 and in supersession of all previous Notifications issued to this effect, the Lieutenant Governor (Administrator), Andaman and Nicobar Islands, hereby makes the following rules to regulating the method of Recruitment to Group 'B' (Gazetted) post of **Legal Assistant** in the Department of Environment & Forests, Andaman and Nicobar Administration, namely:-

1. Short title and commencement:-

- (i) These Rules may be called the “**Andaman and Nicobar Administration, Group 'B' (Gazetted) post of Legal Assistant in the Department of Environment and Forests Recruitment Rules, 2011**”.
- (ii) They shall come into force on the date of their publication in the Official Gazette.

2. Number of posts, classification and scale of pay:-

The number of said post, their classification and scale of pay attached thereto shall be as specified in Serial Number 2 to 4 of the Schedule annexed to these rules.

3. Method of recruitment, age limit and other qualifications etc.:-

The method of recruitment, age limit, qualifications and other matters relating thereto shall be as specified in Serial Number 5 to 15 of the Schedule aforesaid.

4. Disqualification: - No Person –

- i) Who has entered into or contracted a marriage with a person having a spouse living; or
 - ii) Who, having a spouse living, has entered into or contracted a marriage with any person,
- shall be eligible for appointment to the said post:

Provided that the Lieutenant Governor (Administrator), Andaman and Nicobar Islands may, if satisfied that such marriage is permissible under the personal law applicable to such persons and the other party to the marriage and that there are other grounds for doing so, exempt any persons from the operation of this rule.

5. Power to relax :-

Where the Hon'ble Lieutenant Governor (Administrator), Andaman and Nicobar Islands is of the opinion that it is necessary or expedient to do so, he may, by order, for reasons to be recorded in writing relax any of the provisions of these rules with respect to any class or category of persons.

6. Saving :-

Nothing in these rules shall affect reservation, relaxation of age limit and other concessions required to be provided for the Scheduled Castes, Scheduled Tribes and other specific categories of persons in accordance with the orders issued by the Central Government from time to time in this regard.

Lt. General (Retd.) BHOPINDER SINGH

Lieutenant Governor,
Andaman and Nicobar Islands.

By order and in the name of the Lieutenant Governor,

Sd./-

(S.S. Choudhury)

Principal Secretary (Environment & Forests),
Andaman and Nicobar Administration.

SCHEDULE

1.	Name of post	LEGAL ASSISTANT
2.	No. of posts	1 (One)* (2010) *Subject to variation dependent on workload
3.	Classification	General Central Services Group 'B', Gazetted, Ministerial
4.	Pay Band and Grade Pay/Pay Scale	PB-2 Rs. 9300-34800 + G P Rs. 4600
5.	Whether selection post or non-selection post	Not applicable
6.	Whether benefits of added years of service admissible under Rule 30 of the CCS (Pension) Rules, 1972 ?	Not applicable
7.	Age limit for direct recruits	Not exceeding 30 years (Relaxable for Govt. Servants upto 5 years in accordance with the instructions or orders issued by the Central Government from time to time) Note: The crucial date for determining the age limit shall be the closing date for receipt of applications from candidates in India (<i>and not the closing date prescribed for those in Assam, Meghalaya, Arunachal Pradesh, Mizoram, Manipur, Nagaland, Tripura, Sikkim, Ladakh Division of Jammu and Kashmir State, Lahaul and Spiti District and Pungi Sub-Division of Chamba, District of Himachal Pradesh, Andaman and Nicobar Islands or Lakshadweep</i>)
8.	Educational and other qualifications required for the direct recruits	Essential: i) A Degree in Law from a recognized University ii) Three years experience in legal work in a Govt. Department or three years experience as a legal practitioner as an Advocate Note- 1: Qualifications are relaxable at the discretion of the UPSC for reasons to be recorded in writing in case of candidates otherwise well qualified.

		<p>Note-2: The qualification(s) regarding experience is/are relaxable at the discretion of the UPSC, for reasons to be recorded in writing in the case of candidates belonging to Scheduled Castes or Scheduled Tribes if at any stage of selection the UPSC is of the opinion that sufficient numbers of candidates from these communities possessing the requisite experience are not likely to be available to fill up the vacancies reserved for them.</p>
9.	Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees ?	Not applicable
10.	Period of probation, if any	2 (Two) years for direct recruits
11.	Method of recruitment whether by direct recruitment or by promotion/deputation/absorption and percentage of vacancies to be filled by various methods	100% deputation failing which by direct recruitment
12.	In case of recruitment by promotion/deputation/absorption grades from which promotion/deputation/absorption to be made	<p>DEPUTATION: Officers from Central/State Governments/Union Territories: (a) (i) Holding analogous post on regular basis in the parent cadre/department (OR) (ii) With 5 years service in the grade rendered after appointment thereto on regular basis in the Scale of Pay of Rs. 9300-34800 in PB-2 with Grade Pay of Rs. 4200 or equivalent in the parent cadre/department (OR) (iii) With 11 years service in the grade rendered after appointment thereto on regular basis in the Scale of Pay of Rs. 5200-20200 in PB-1 with Grade Pay of Rs. 2800 or equivalent in the parent cadre/department And (b) Possessing educational qualifications as prescribed for direct recruitment under Sl.No. 8. “(Period of deputation including period of deputation in another ex-cadre post held immediately preceding this appointment in the same or some other organization/ department of the Central Govt. shall ordinarily not to exceed 3 years. The maximum age limit for appointment by deputation shall be not exceeding 56 years, as on the closing date of the receipt of applications)”.</p> <p>NOTE: For the purpose of appointment on deputation basis, the service rendered on a regular basis by an Officer prior to 01.01.2006 (the date from which the revised pay structure based on the 6th CPC recommendation has been extended) shall be deemed to be service rendered in the corresponding Grade Pay/Pay Scale extended based on the recommendations of the Pay Commission except where there has been merger of more than one pre-revised scale of pay into one grade with a common Grade Pay/Pay Scale, and where this benefit will extend only for the post(s) for which that Grade Pay/Pay Scale is the normal replacement grade without any upgradation.</p>

13.	If a DPC exists, what is its composition ?	Group 'B' DPC (for considering cases of Confirmation) consisting of :- 1. Chief Secretary, A & N Admn. - Chairman 2. Secretary (Judicial) - Member 3. PCCF, A & N Islands - Member
14.	Circumstances under which UPSC is to be consulted in making recruitment	Consultation with the UPSC necessary on each occasion
15.	Duties and Responsibilities	Attached as Annexure to the Schedule

Sl. No. 15-Annexure to the Schedule

The following are the duties to be performed by the Legal Assistant:-

1. The Legal Assistant has to render legal advice to the Department on legal matters.
2. Examine and tender legal opinion in the matter relating to Service, Forest and Wildlife Offence cases, cases relating to encroachment on forest land, cases under Industrial Disputes Act and other Labour Laws, matters of civil suits/title suits and other suits etc., all matters dealing with Civil Law, Criminal Cases, Arbitration Law, Environment Law, Forest Law, Right to Information etc.
3. Preparation of pleadings/writ petitions/appeals and drafting and vetting of replies/affidavits etc. in the matters before the Central Administrative Tribunals and other Tribunals, High Courts, Supreme Courts, Central Empowered Committee etc.
4. Monitor the court cases pertaining to the department in various Courts/Tribunals and also process the order/judgement passed by various Courts for implementation/appeal.
5. Coordinate with the Govt. Pleader/Public Prosecutors and Secretary (Judicial), Andaman and Nicobar Administration in the legal matters.
6. Brief Govt. Pleader/Public Prosecutors/Advocates on matters posted for hearing in the Courts and provided spot clarification on the matters.
7. Perform all the duties assigned by the superiors in time to time.